



PATENT

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE  
(Case No. 00-1123-R)

In the Application of:

Lin, et al.

Art Unit: 1641

Serial No.: 10/667,696

Examiner: TBD

Filed: September 22, 2003

For: Label-Free Methods for Performing  
Assays Using a Colorimetric Resonant  
Optical Biosensor

Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

TRANSMITTAL LETTER

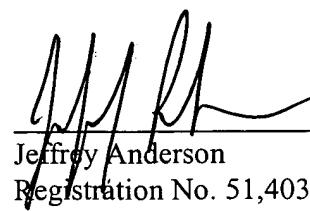
Dear Sir:

In regard to the above identified application,

1. We are transmitting herewith the attached:
  - a) Information Disclosure Statement (IDS) (6 sheets);
  - b) PTO Form 1449 (6 sheet);
  - c) 101 Cited References; and
  - d) Return postcard.
2. With respect to fees:
  - a) It is believed no fee is due at this time as the first Office Action has not yet been issued.
  - b) Please charge any underpayment or credit any overpayment to our Deposit Account, No. 13-2490.
3. CERTIFICATE OF MAILING UNDER 37 CFR § 1.8: The undersigned hereby certifies that this Transmittal Letter and the paper, as described in paragraph 1, are being deposited with the United States Postal Service with sufficient postage as first class mail in an envelope addressed to the Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450 on February 13, 2003.

Respectfully submitted,

By:

  
Jeffrey Anderson  
Registration No. 51,403



PATENT

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(Case No. 00-1123-R)

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Lin, et al. ) Art Unit: 1641  
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INFORMATION DISCLOSURE STATEMENT

Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

Dear Sir:

Pursuant to 37 C.F.R. Section 1.97 - 1.99, the Applicant wishes to make the following references of record in the above-identified application. This Information Disclosure Statement is in compliance with the continuing duty of candor as set forth in 37 C.F.R. Section 1.56. Copies of the references cited below are enclosed. These references are also listed on the enclosed PTO Form 1449.

In the judgment of the undersigned, portions of the listed references may be material to the Examiner's consideration of the presently pending claims. However, the references have not been reviewed in sufficient detail to make any other representation and, in particular, no representation is intended as to the relative relevance between references, whether cited in this or prior statements. This statement is not a representation that the listed references have effective dates early enough to be "prior art" within the meaning of 35 U.S.C. Section 102 or Section 103.

### United Patents Application Publications

1. Cunningham, et al., U.S. Provisional Patent Application, "Resonant Reflection Microarray", Serial No. 60/244,312 filed October 30, 2000.
2. Cunningham, et al., U.S. Provisional Patent Application, "Resonant Reflection Microarray", Serial No. 60/283,314 filed April 12, 2001.
3. Cunningham, et al., U.S. Provisional Patent Application, "Resonant Reflection Microarray", Serial No. 60/303,028 filed July 3, 2001.
4. Challener et al., U.S. Patent Publication No. US 2002/0018610-A1, published February 14, 2002.
5. Cunningham, et al., U.S. Patent Publication US 2003/0027327-A1, published February 6, 2003.
6. Cunningham, et al., U.S. Patent Publication No. US 2003/0027328-A1, published February 6, 2003.

### United States Patents

7. Challener, U.S. Reissued Patent No. RE37,473 E, reissued 12/18/01.
8. Firester, U.S. Patent No. 4,009,933, issued 03/01/77.
9. Sheng, et al., U.S. Patent No. 4,536,608, issued 08/20/85.
10. Martens, U.S Patent No. 4,576,850, issued 03/18/86.
11. Barber, U.S Patent No. 4,668,558, issued 05/26/87.
12. Gustafson, et al., U.S Patent No. 4,876,208, issued 10/24/89.
13. Layton, et al., U.S Patent No. 4,931,384, issued 6/5/90.
14. Godfrey, U.S Patent No. 4,992,385, issued 2/12/91.
15. Cowan, U.S Patent No. 4,999,234, issued 03/12/91.
16. Layton, et al., U.S Patent No. 5,118,608, issued 6/2/92.
17. Lu, et al., U.S Patent No. 5,175,030, issued 12/29/92.
18. Andersson, et al., U.S Patent No. 5,229,614, issued 07/20/93.
19. Wenz, et al., U.S Patent No. 5,268,782, issued 12/07/93.
20. Koch, et al., U.S Patent No. 5,413,884, issued 05/04/95.

21. Kunz, U.S Patent No. 5,442,169, issued 08/15/95.
22. Fettinger, U.S Patent No. 5,455,178, issued 10/3/95.
23. Gustafson, et al., U.S Patent No. 5,478,527, issued 12/26/95.
24. Gizeli, et al., U.S Patent No. 5,478,756, issued 12/26/95.
25. Malmqvist et al., U.S Patent No. 5,492,840, issued 02/20/96.
26. Pollard-Knight, U.S Patent No. 5,496,701, issued 03/5/96.
27. Elliott, et al., U.S Patent No. 5,559,338, issued 09/24/96.
28. Sambles, et al., U.S Patent No. 5,598,267, issued 01/28/97.
29. Magnusson, et al., U.S Patent No. 5,598,300, issued 01/28/97.
30. Doggett, U.S Patent No. 5,615,052, issued 03/25/97.
31. Pinkel, et al., U.S Patent No. 5,690,894, issued 11/25/97.
32. Benson, Jr. et al., U.S Patent No. 5,691,846, issued 11/25/97.
33. Bylander, et al., U.S Patent No. 5,732,173, issued 03/24/98.
34. Rudigier, et al., U.S Patent No. 5,738,825, issued 04/14/98.
35. Wortman, et al., U.S Patent No. 5,771,328, issued 06/23/98.
36. Morris, et al., U.S Patent No. 5,792,411, issued 08/11/98.
37. Chen, U.S Patent No. 5,804,453, issued 09/8/98.
38. Simon, U.S Patent No. 5,846,843, issued 12/8/98.
39. Challener, U.S Patent No. 5,925,878, issued 07/20/99.
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41. Challener, U.S Patent No. 5,986,762, issued 11/16/99.
42. Kunz, et al., U.S Patent No. 5,991,480, issued 11/23/99.
43. Challener, et al., U.S Patent No. 5,994,150, issued 11/30/99.
44. Grann, et al., U.S Patent No. 6,035,089, issued 03/7/00.
45. Hoopman, et al., U.S Patent No. 6,076,248, issued 06/20/00.

46. Hobbs, U.S Patent No. 6,088,505, issued 07/11/00.
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50. Challener, et al., U.S Patent No. 6,320,991, issued 11/20/01.
51. Hefti, U.S Patent No. 6,338,968, issued 01/15/02.
52. Herron, et al., U.S Patent No. 6,340,598, issued 01/22/02.
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55. European Patent Publication No. EP 0 112 721, published July 4, 1984.
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65. PCT Patent Publication No. WO 99/09392, published February 25, 1999.
66. PCT Patent Publication No. WO 99/09396, published February 25, 1999.
67. PCT Patent Publication No. WO 99/66330, published December 23, 1999.
68. PCT Patent Publication No. WO 00/23793, published April 27, 2000.
69. PCT Patent Publication No. WO 01/04697, published January 18, 2001.

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70. Brecht, et al., *Biosensors & Bioelectronics* Vol. 10, pp. 923-936 (1995).
71. Challener, et al., *Elsevier Science B.V.*, pp. 42-46 (2000).
72. Cowan, *J. Opt. Soc. Am.*, Vol. 7, No. 8, pp. 1529-1544 (1990).
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91. Patterson, S.D. *Current Opinions in Biotechnology*. 11(4):413-8 (2000).
92. Peng, et al., *Optics Letters* Vol. 21, No. 8, pp. 549-551 (1996).

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99. International Search Report for foreign counterpart application PCT/US01/50723.
100. International Search Report for foreign counterpart application PCT/US03/01175.
101. Invitation to Pay Additional Fees in foreign counterpart application PCT/US01/50723.

In accordance with MPEP Sections 609 and 707.05(b), it is requested the document cited (including any cited in applicant's specification which is not repeated on the attached Form PTO-1449) be given thorough consideration and that it be cited of record in the prosecution history of the present application by initialing on Form PTO-1449. Such initialing is requested even if the Examiner does not consider a cited document to be sufficiently pertinent to use in a rejection, or otherwise does not consider it to be prior art for any reason, or even if the Examiner does not believe that the guidelines for citation have been fully complied with. This is requested so that each document becomes listed on the face of the patent issuing on the present application.

Date: February 13, 2003

By:

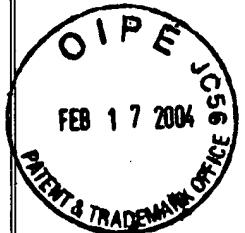
Respectfully submitted,



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Jeffrey D. Anderson  
Reg. No. 51,403

**McDonnell, Boehnen Hulbert & Berghoff**  
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312 913-0001

|   |  |                                    |                          |                |
|---|--|------------------------------------|--------------------------|----------------|
| FORM PTO-1449<br>(Rev. 2-32)  | U.S. Department of Commerce<br>Patent and Trademark Office | Atty. Docket No.<br>00-1123-R      | Serial No.<br>10/667,696 |                |
| <b>INFORMATION DISCLOSURE<br/>STATEMENT BY APPLICANT</b><br>(Use several sheets if necessary)<br><br> |  | Applicant:<br>Lin, et al.          |                          |                |
|   |  | Filing Date:<br>September 22, 2003 |                          | Group:<br>1641 |

### U.S. PATENT APPLICATION DOCUMENTS

| Examiner Initial | Document Number    | Filing Date    | Name               | Class | Subclass | Publication Date if Appropriate |
|------------------|--------------------|----------------|--------------------|-------|----------|---------------------------------|
| 1.               | 60/244,312         | Oct 30, 2000   | Cunningham, et al. |       |          |                                 |
| 2.               | 60/283,314         | April 12, 2001 | Cunningham, et al. |       |          |                                 |
| 3.               | 60/303,028         | July 3, 2001   | Cunningham, et al. |       |          |                                 |
| 4.               | US 2002/0018610-A1 | Feb 14, 2002   | Challener et al.   |       |          |                                 |
| 5.               | US 2003/0027327-A1 | Feb 6, 2003    | Cunningham, et al. |       |          |                                 |
| 6.               | US 2003/0027328-A1 | Feb 6, 2003    | Cunningham, et al. |       |          |                                 |

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|------------------|-----------------|----------|-------------------|-------|----------|----------------------------|
| 7.               | RE37,473        | 12/18/01 | Challener         |       |          |                            |
| 8.               | 4,009,933       | 03/01/77 | Firester          |       |          |                            |
| 9.               | 4,536,608       | 08/20/85 | Sheng, et al.     |       |          |                            |
| 10.              | 4,576,850       | 03/18/86 | Martens           |       |          |                            |
| 11.              | 4,668,558       | 05/26/87 | Barber            |       |          |                            |
| 12.              | 4,876,208       | 10/24/89 | Gustafson, et al. |       |          |                            |
| 13.              | 4,931,384       | 6/5/90   | Layton, et al.    |       |          |                            |
| 14.              | 4,992,385       | 2/12/91  | Godfrey           |       |          |                            |

|          |                 |
|----------|-----------------|
| EXAMINER | DATE CONSIDERED |
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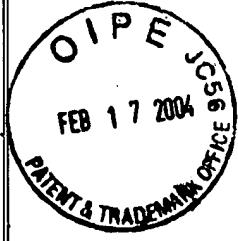
FORM PTO-1449  
(Rev. 2-32)U.S. Department of Commerce  
Patent and Trademark Office

Atty. Docket No.

Serial No.

00-1123-R

10/667,696

INFORMATION DISCLOSURE  
STATEMENT BY APPLICANT  
(Use several sheets if necessary)

Applicant:

Lin, et al.

Filing Date:

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Group:

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| 15.              | 4,999,234       | 03/12/91 | Cowan              |       |          |                            |
| 16.              | 5,118,608       | 6/2/92   | Layton, et al.     |       |          |                            |
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| 18.              | 5,229,614       | 07/20/93 | Andersson, et al.  |       |          |                            |
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| 20.              | 5,413,884       | 05/04/95 | Koch, et al.       |       |          |                            |
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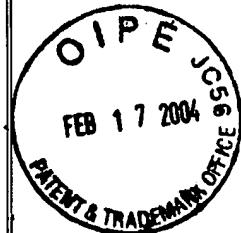
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| 47.              | 6,100,991       | 08/08/00 | Challener         |       |          |                            |
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| 50.              | 6,320,991       | 11/20/01 | Challener, et al. |       |          |                            |
| 51.              | 6,338,968       | 01/15/02 | Hefti             |       |          |                            |
| 52.              | 6,340,598       | 01/22/02 | Herron, et al.    |       |          |                            |
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|------------------|-----------------|----------------|---------|-------|----------|-------------|----|
|                  |                 |                |         |       |          | Yes         | No |
| 54.              | EP 0 517 777    | May 22, 1996   | EP      |       |          |             |    |
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| 65.              | WO 99/09392     | Feb 25, 1999   | PCT     |       |          |             |    |
| 66.              | WO 99/09396     | Feb 25, 1999   | PCT     |       |          |             |    |
| 67.              | WO 99/66330     | Dec 23, 1999   | PCT     |       |          |             |    |
| 68.              | WO 00/23793     | April 27, 2000 | PCT     |       |          |             |    |
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## OTHER DOCUMENTS (Including Author, Title, Date, Pertinent Pages, Etc).

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|-----|---|
| 70. | Brecht, et al., <i>Biosensors &amp; Bioelectronics</i> Vol. 10, pp. 923-936 (1995).                           |
| 71. | Challener, et al., <i>Elsevier Science B.V.</i> , pp. 42-46 (2000).   |
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